

Executive Summary – Enforcement Matter – Case No. 44993
Vidal Lopez and AJ's Logistic Services, LLC
RN104709241
Docket No. 2012-1882-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - MSW, WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

AJ's Services, 5688 State Highway 359 on the east side of State Highway 359, approximately seven miles from the intersection of State Highway 44 and State Highway 359, Alice, Jim Wells County

Type of Operation:

Sludge transporter business and beneficial land use site

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 21, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,900

Amount Deferred for Expedited Settlement: \$3,780

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,120

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Investigation Information

Complaint Date(s): May 16, 2012

Complaint Information: Alleged that sewage from oil and gas drilling rigs and production sites was being disposed of on the ground.

Date(s) of Investigation: June 15, 2012 and June 26, 2012

Date(s) of NOE(s): August 22, 2012

Violation Information

1. Failed to obtain authorization to land apply domestic sewage sludge. Specifically, Respondents did not renew TCEQ Sludge Registration No. 710894, which expired on March 14, 2011, and are continuing to land apply domestic septage. Waste manifests indicate at least 2,212,182 gallons of domestic septage was land applied from December 21, 2011 through June 14, 2012 [30 TEX. ADMIN. CODE § 312.4(d)].

2. Failed to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the facility has written authorization by permit or registration issued by the Executive Director to receive wastes. Specifically, Respondents are transporting and disposing septic tank waste at the Site [30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE § 26.121(a)(1)].

3. Failed to prevent the unauthorized disposal of MSW. Approximately 524 cubic yards of MSW including plastics, cardboard, household garbage, treated wood, metals, motor oil bins, filters, polyvinyl chloride pipes, tarps, vegetable debris, a couch, wire, rubber/plastic hoses, cement pieces, used and/or scrap tires, pipe end caps, drums containing unknown substances, axles, batteries, used oil filters, and insulation were disposed of at the Site [30 TEX. ADMIN. CODE § 330.15(c)].

4. Failed to maintain a copy of the sludge transporter registration authorization at the designated place of business and in each vehicle operated under that registration [30 TEX. ADMIN. CODE § 312.142(c)].

5. Failed to keep records showing how the domestic septage met the pathogen and vector attraction reduction requirements listed in 30 TEX. ADMIN. CODE § 312.82(c) (relating to Pathogen Reduction) and 30 TEX. ADMIN. CODE § 312.83 (relating to Vector Attraction Reduction). Copies of records were not being maintained on the two vehicles for a minimum of one month and at the beneficial land use site and transporter office for a minimum of five years [30 TEX. ADMIN. CODE § 312.144(e)].

6. Failed to maintain a record of each individual collection and deposit in the form of a trip ticket. Specifically, numerous manifests were incomplete; only including the generator name; the name, address, and telephone number of the transporter; amount

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of waste collected; and the volume of the septic tank [30 TEX. ADMIN. CODE § 312.145(a)].

7. Failed to mark discharge valves and ports on vehicles used to transport liquid wastes. Specifically, the discharge valves and ports on the two registered transport vehicles were not marked [30 TEX. ADMIN. CODE § 312.144(f)].

8. Failed to perform cleanup actions upon detection of a release of used oil. Specifically, an oil stain was observed near one of the used oil tanks [30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.22(d)].

9. Failed to label used oil containers clearly with the words "Used Oil". Specifically, two drip pans containing used oil were not labeled with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondents to:

a. Immediately:

i. Cease all land application of domestic sewage sludge at the Site until authorization is obtained; and

ii. Cease disposing of any additional unauthorized MSW at the Site.

b. Within 15 days, submit written certification demonstrating compliance with Ordering Provisions a.i. and a.ii.;

c. Within 30 days:

i. Remove all unauthorized waste from the Site and dispose of it at an authorized facility;

ii. Develop and implement a record keeping system to ensure records are maintained to show how the domestic septage meets the pathogen and vector attraction reduction

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requirements listed in 30 TEX. ADMIN. CODE § 312.82(c) (relating to Pathogen Reduction) and 30 TEX. ADMIN. CODE § 312.83 (relating to Vector Attraction Reduction);

iii. Begin maintaining complete trip ticket records;

iv. Begin maintaining a copy of the sludge transporter registration authorization at the designated place of business and in each vehicle operated under that registration;

v. Appropriately mark discharge valves and ports on vehicles used to transport liquid wastes;

vi. Develop and implement procedures to ensure used oil is properly managed to prevent discharges of used oil onto the ground from oil tanks;

vii. Appropriately mark each used oil container with the words “Used Oil”, including but not limited to the two drip pans; and

d. Within 60 days, submit a report, which includes a summary of remediation activities that took place, confirming that all contaminated soil at the Site has been properly remediated. Remediation activities will address all areas where soil has been contaminated with sewage sludge, used oil, and/or other waste at the Site. The report shall include analytical results of soil confirmation sampling which characterizes the effectiveness of contaminated soil removal in all contaminated areas and documentation that contaminated soil and waste have been disposed at an authorized facility; and

e. Within 75 days, submit written certification demonstrating compliance with Ordering Provisions c. and d.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jacquelyn Green, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Vidal Lopez, Owner, AJ's Logistic Services, LLC, P.O. Box 3171, Alice, Texas 78333

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	27-Aug-2012	Screening	10-Sep-2012	EPA Due	
	PCW	28-Feb-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Vidal Lopez and AJ's Logistic Services, LLC		
Reg. Ent. Ref. No.	RN104709241		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44993	No. of Violations	6
Docket No.	2012-1882-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media	Municipal Solid Waste	Enf. Coordinator	JR Cao
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$20,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **-10.0%** Enhancement **Subtotals 2, 3, & 7** **-\$2,025**

Notes Reduction for high performer classification.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$832
Approx. Cost of Compliance \$20,050

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$18,225**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$18,225**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$18,225**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,645**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$14,580**

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 10-Sep-2012

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PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 312.4(d)

Violation Description

Failed to obtain authorization to land apply domestic sewage sludge, as documented during an investigation conducted on June 15, 2012. Specifically, the Respondents did not renew Texas Commission on Environmental Quality ("TCEQ") Sludge Registration No. 710894, which expired on March 14, 2011, and are continuing to land apply domestic septage. Waste manifests indicate at least 2,212,182 gallons of domestic septage was land applied from December 21, 2011 through June 14, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 9

264 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Nine monthly events are recommended from the date of the earliest manifest (December 21, 2011) to the screening date (September 10, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$10,125

This violation Final Assessed Penalty (adjusted for limits) \$10,125

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
 Case ID No. 44993
 Reg. Ent. Reference No. RN104709241
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,000	21-Dec-2011	5-Sep-2013	1.71	\$85	n/a	\$85
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain the required registration from the TCEQ before application of domestic septage at a facility. Date required is the date of the earliest manifest (December 21, 2011) and the final date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$85

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 312.143 and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the facility has written authorization by permit or registration issued by the Executive Director to receive wastes, as documented during an investigation conducted on June 26, 2012. Specifically, the Respondents are transporting and disposing septic tank waste at the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (June 26, 2012) to the screening date (September 10, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$392

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
Case ID No. 44993
Reg. Ent. Reference No. RN104709241
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$10,000	26-Jun-2012	8-Apr-2013	0.78	\$392	n/a	\$392
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the septic tank waste and remediate the area. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$392

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 330.15(c)

Violation Description

Failed to prevent the unauthorized disposal of municipal solid waste ("MSW") as documented during an investigation conducted on June 26, 2012. Approximately 524 cubic yards of MSW including plastics, cardboard, household garbage, treated wood, metals, motor oil bins, filters, polyvinyl chloride pipes, tarps, vegetable debris, a couch, wire, rubber/plastic hoses, cement pieces, used and/or scrap tires, pipe end caps, drums containing unknown substances, axles, batteries, used oil filters, and insulation were disposed of at the Site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (June 26, 2012) to the screening date (September 10, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$325

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
Case ID No. 44993
Reg. Ent. Reference No. RN104709241
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$8,300	26-Jun-2012	8-Apr-2013	0.78	\$325	n/a	\$325
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and dispose of the MSW at an authorized facility. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,300

TOTAL

\$325

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 312.142(c) and 312.144(e)

Violation Description

Failed to maintain records at the designated place of business and in each vehicle. Specifically, the Respondents failed to maintain a copy of the sludge transporter registration authorization and failed to keep records showing how the domestic septage met the pathogen and vector attraction reduction requirements listed in 30 Tex. Admin. Code § 312.82(c) (relating to Pathogen Reduction) and 30 Tex. Admin. Code § 312.83 (relating to Vector Attraction Reduction), as documented during an investigation conducted on June 26, 2012. Copies of records were not being maintained on the two vehicles for a minimum of one month and at the beneficial land use site and transporter office for a minimum of five years.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

76 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$3,750

Three single events are recommended (one for the Site, and one for each vehicle registered).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
Case ID No. 44993
Reg. Ent. Reference No. RN104709241
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	26-Jun-2012	8-Apr-2013	0.78	\$10	n/a	\$10
Training/Sampling	\$250	26-Jun-2012	8-Apr-2013	0.78	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement a record keeping system and to update operational guidance and conduct employee training to ensure that trip tickets are filled out completely, copies of the sludge transporter registrations are kept at the business and each vehicle, the waste meets the pathogen and vector reduction requirements, and waste are transported and disposed at an authorized facility/site. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$20

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 312.145(a)

Violation Description

Failed to maintain a record of each individual collection and deposit in the form of a trip ticket. Specifically, numerous manifests were incomplete; only including the generator name; the name, address, and telephone number of the transporter; amount of waste collected; and the volume of the septic tank.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
Case ID No. 44993
Reg. Ent. Reference No. RN104709241
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation no. 4.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 312.144(f)

Violation Description

Failed to mark discharge valves and ports on vehicles used to transport liquid wastes, as documented during an investigation conducted on June 26, 2012. Specifically, the discharge valves and ports on the two registered transport vehicles were not marked.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

76 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for the two vehicles registered.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$2,250

This violation Final Assessed Penalty (adjusted for limits) \$2,250

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
Case ID No. 44993
Reg. Ent. Reference No. RN104709241
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	26-Jun-2012	8-Apr-2013	0.78	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to mark the discharge valve and ports for all vehicles used to transport liquid wastes. Date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$10



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	27-Aug-2012	Screening	10-Sep-2012	EPA Due	
	PCW	10-Sep-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Vidal Lopez and AJ's Logistic Services, LLC		
Reg. Ent. Ref. No.	RN104709241		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44993	No. of Violations	2
Docket No.	2012-1882-MLM-E	Order Type	1660
Media Program(s)	Used Oil	Government/Non-Profit	No
Multi-Media	Water Quality	Enf. Coordinator	JR Cao
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0% Enhancement	Subtotals 2, 3, & 7	-\$75
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Notes	Reduction for high performer classification.		
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondents do not meet the culpability criteria.		
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$24	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$600	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$675
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes			
	Final Penalty Amount	\$675	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$675
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DEFERRAL	20.0% Reduction	Adjustment	-\$135
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.		
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PAYABLE PENALTY	\$540
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Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Used Oil

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

Reduction for high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Used Oil

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations ("CFR") § 279.22(d)

Violation Description

Failed to perform cleanup actions upon detection of a release of used oil.
Specifically, an oil stain was observed near one of the used oil tanks.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended from the investigation date (June 26, 2012) to the screening date (September 10, 2012).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
Case ID No. 44993
Reg. Ent. Reference No. RN104709241
Media Used Oil
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	26-Jun-2012	8-Apr-2013	0.78	\$20	n/a	\$20
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean up and properly manage the released used oil. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$20

Screening Date 10-Sep-2012

Docket No. 2012-1882-MLM-E

PCW

Respondent Vidal Lopez and AJ's Logistic Services, LLC

Policy Revision 3 (September 2011)

Case ID No. 44993

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104709241

Media [Statute] Used Oil

Enf. Coordinator JR Cao

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations § 279.22(c)(1)

Violation Description

Failed to label used oil containers clearly with the words "Used Oil". Specifically, two drip pans containing used oil were not labeled with the words "Used Oil".

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 2

76 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events, one for each container, are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent Vidal Lopez and AJ's Logistic Services, LLC
Case ID No. 44993
Reg. Ent. Reference No. RN104709241
Media Used Oil
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	26-Jun-2012	8-Apr-2013	0.78	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to properly label all used oil containers with the words "Used Oil". The date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4



Compliance History Report

PUBLISHED Compliance History Report for CN604103242, RN104709241, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN604103242, AJ's Logistic Services, LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN104709241, AJS SERVICES	Classification: HIGH	Rating: 0.00
Complexity Points:	2	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	5688 State Highway 359 on the east side of State Highway 359, approximately seven miles from the intersection of State Highway 44 and State Highway 359 in Alice, Jim Wells County, Texas		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
ID Number(s):	SLUDGE REGISTRATION 710894 SLUDGE REGISTRATION 23627 MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER UNA455140110		
Compliance History Period:	September 01, 2007 to August 31, 2012	Rating Year: 2012	Rating Date: 09/01/2012
Date Compliance History Report Prepared:	November 05, 2012		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	November 05, 2007 to November 05, 2012		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	JR Cao	Phone	(512) 239-2543

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES, when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 13, 2009	(721663)
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E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Compliance History Report

PUBLISHED Compliance History Report for CN602253957, RN104709241, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN602253957, LOPEZ, VIDAL B	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN104709241, AJS SERVICES	Classification: HIGH	Rating: 0.00
Complexity Points:	2	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	5688 State Highway 359 on the east side of State Highway 359, approximately seven miles from the intersection of State Highway 44 and State Highway 359 in Alice, Jim Wells County, Texas		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
ID Number(s):			
SLUDGE REGISTRATION 710894	SLUDGE REGISTRATION 23627		
MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER			
UNA455140110			
Compliance History Period:	September 01, 2007 to August 31, 2012	Rating Year: 2012	Rating Date: 09/01/2012
Date Compliance History Report Prepared:	November 05, 2012		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	November 05, 2007 to November 05, 2012		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: JR Cao	Phone (512) 239-2543		

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 February 13, 2009 (721663)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VIDAL LOPEZ AND AJ'S
LOGISTIC SERVICES, LLC
RN104709241**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1882-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Vidal Lopez and AJ's Logistic Services, LLC ("Respondents") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a sludge transporter business and beneficial land use site located at 5688 State Highway 359 on the east side of State Highway 359, approximately seven miles from the intersection of State Highway 44 and State Highway 359 in Alice, Jim Wells County, Texas (the "Site").
2. The Respondents have caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission, and the Site involves or involved the management of municipal solid waste ("MSW") and used oil as defined in TEX. HEALTH & SAFETY CODE chs. 361 and 371.
3. The Executive Director and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2012.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighteen Thousand Nine Hundred Dollars (\$18,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Fifteen Thousand One Hundred Twenty Dollars (\$15,120) of the administrative penalty and Three Thousand Seven Hundred Eighty Dollars (\$3,780) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondents agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, the Respondents are alleged to have:

1. Failed to obtain authorization to land apply domestic sewage sludge, in violation of 30 TEX. ADMIN. CODE § 312.4(d), as documented during an investigation conducted on June 15, 2012. Specifically, the Respondents did not renew TCEQ Sludge Registration No. 710894, which expired on March 14, 2011, and are continuing to land apply domestic septage. Waste manifests indicate at least 2,212,182 gallons of domestic septage was land applied from December 21, 2011 through June 14, 2012.
2. Failed to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the facility has written authorization by permit or registration issued by the Executive Director to receive wastes, in violation of 30 TEX. ADMIN. CODE § 312.143 and TEX. WATER CODE

§ 26.121(a)(1), as documented during an investigation conducted on June 26, 2012. Specifically, the Respondents are transporting and disposing septic tank waste at the Site.

3. Failed to prevent the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(c), as documented during an investigation conducted on June 26, 2012. Approximately 524 cubic yards of MSW including plastics, cardboard, household garbage, treated wood, metals, motor oil bins, filters, polyvinyl chloride pipes, tarps, vegetable debris, a couch, wire, rubber/plastic hoses, cement pieces, used and/or scrap tires, pipe end caps, drums containing unknown substances, axles, batteries, used oil filters, and insulation were disposed of at the Site.
4. Failed to maintain a copy of the sludge transporter registration authorization at the designated place of business and in each vehicle operated under that registration, in violation of 30 TEX. ADMIN. CODE § 312.142(c), as documented during an investigation conducted on June 26, 2012.
5. Failed to keep records showing how the domestic septage met the pathogen and vector attraction reduction requirements listed in 30 TEX. ADMIN. CODE § 312.82(c) (relating to Pathogen Reduction) and 30 TEX. ADMIN. CODE § 312.83 (relating to Vector Attraction Reduction), in violation of 30 TEX. ADMIN. CODE § 312.144(e), as documented during an investigation conducted on June 26, 2012. Copies of records were not being maintained on the two vehicles for a minimum of one month and at the beneficial land use site and transporter office for a minimum of five years.
6. Failed to maintain a record of each individual collection and deposit in the form of a trip ticket, in violation of 30 TEX. ADMIN. CODE § 312.145(a), as documented during an investigation conducted on June 26, 2012. Specifically, numerous manifests were incomplete; only including the generator name; the name, address, and telephone number of the transporter; amount of waste collected; and the volume of the septic tank.
7. Failed to mark discharge valves and ports on vehicles used to transport liquid wastes, in violation of 30 TEX. ADMIN. CODE § 312.144(f), as documented during an investigation conducted on June 26, 2012. Specifically, the discharge valves and ports on the two registered transport vehicles were not marked.
8. Failed to perform cleanup actions upon detection of a release of used oil, in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.22(d), as documented during an investigation conducted on June 26, 2012. Specifically, an oil stain was observed near one of the used oil tanks.
9. Failed to label used oil containers clearly with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1), as documented during an investigation conducted on June 26, 2012. Specifically, two drip pans containing used oil were not labeled with the words "Used Oil".

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Vidal Lopez and AJ's Logistic Services, LLC, Docket No. 2012-1882-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Vidal Lopez and AJ's Logistic Services, LLC are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that the Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Cease all land application of domestic sewage sludge at the Site until authorization is obtained, in accordance with 30 TEX. ADMIN. CODE § 312.4; and
 - ii. Cease disposing of any additional unauthorized MSW at the Site.
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i and 3.a.ii;
 - c. Within 30 days after the effective date of this Agreed Order:
 - i. Remove all unauthorized waste from the Site and dispose of it at an authorized facility;
 - ii. Develop and implement a record keeping system to ensure records are maintained to show how the domestic septage meets the pathogen and vector attraction reduction requirements listed in 30 TEX. ADMIN. CODE

- § 312.82(c) (relating to Pathogen Reduction) and 30 TEX. ADMIN. CODE § 312.83 (relating to Vector Attraction Reduction), in accordance with 30 TEX. ADMIN. CODE § 312.144(e);
- iii. Begin maintaining complete trip ticket records, in accordance with 30 TEX. ADMIN. CODE § 312.145(a);
 - iv. Begin maintaining a copy of the sludge transporter registration authorization at the designated place of business and in each vehicle operated under that registration, in accordance with 30 TEX. ADMIN. CODE § 312.142(c);
 - v. Appropriately mark discharge valves and ports on vehicles used to transport liquid wastes, in accordance with 30 TEX. ADMIN. CODE § 312.144(f);
 - vi. Develop and implement procedures to ensure used oil is properly managed to prevent discharges of used oil onto the ground from oil tanks, in accordance with 40 CFR § 279.22(d);
 - vii. Appropriately mark each used oil container with the words "Used Oil", including but not limited to the two drip pans, in accordance with 40 CFR § 279.22(c)(1); and
- d. Within 60 days after the effective date of this Agreed Order, submit a report, which includes a summary of remediation activities that took place, confirming that all contaminated soil at the Site has been properly remediated. Remediation activities will address all areas where soil has been contaminated with sewage sludge, used oil, and/or other waste at the Site. The report shall include analytical results of soil confirmation sampling which characterizes the effectiveness of contaminated soil removal in all contaminated areas and documentation that contaminated soil and waste have been disposed at an authorized facility; and
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c. and 3.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents.
5. If the Respondents fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures

may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam D'Arcy
For the Executive Director

7/23/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Vidal Lopez
Signature

4/11/13
Date

Vidal Lopez
Name (Printed or typed)
Authorized Representative of
Vidal Lopez

owner
Title

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Davin
For the Executive Director

7/23/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Vidal Lopez
Signature

4/22/13
Date

Vidal Lopez
Name (Printed or typed)
Authorized Representative of
AJ's Logistic Services, LLC

Owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.